28

## PETITIONER GATE GOURMET'S RESPONSES TO ASIANA'S OBJECTIONS TO THE DECLARATION OF ROBERT BRADSHAW

Objection 1:  Objection 1:  Objection 1:  Objection 1:  Objection 1:  Objection 1:  Son August 27, 2020, while the arbitration proceedings were ongoing, Korea's Fair Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, mcluding in a news article titled Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  GROUNDS FOR OBJECTION  OBJECTION  Exhibit 3 satisfies the best evidence rule. Fed. R. Evid. 1003 (copies admissible). Statements or exident at exited as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Hearsay (Fed. R. Evid.  801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); Von Saher v. Norton Simon Museum of Art at Pasadema, 592 F.3d 954, 960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021). Statements or device cited by or attached to the declaration.  Objection 1:  Exhibit 3 is atisfies the best evidence rule. Fed. R. Evid. 1003 (copies admissible). Statements of the news article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Not at the news article of the contents of the news article attached as Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  The Commission's order was publicly reported, in the orde	OD IFCTED TO	GROUNDS FOR	RESPONSE TO
Dijection 1:  5. On August 27, 2020, while the arbitration proceedings were ongoing, Korea's Fair Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Best Evidence (Fed. R. Evid. 1003 (copies admissible). Exhibit 3 is not hearsay to the extent it is being offered to show Asiana's notice of the contents of the news article.  Evid. 1002, 1003, 1004). Mr. Bradshaw's statements regarding the content in the news article attached as Exhibit 3 is not madmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Hearsay (Fed. R. Evid. 82 (9th Cir. 2019); United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2009).  Hearsay (Fed. R. Evid. 801(c); United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. United States v. United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. United States v. United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. United State			
Evid. 1002, 1003, 1004).  5. On August 27, 2020, while the arbitration proceedings were ongoing, Korea's Fair Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Evid. 1002, 1003, 1004). Mr. Bradshaw's statements regarding the content in the news article attached as Exhibit 3 are inadmissible on foundation for admitting his testimony to prove the contents of the news article.  Exhibit 3 is not hearsay to the extent it is being offered to contents of the news report. Fed. R. Evid. 801(c); United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2009).  Hearsay (Fed. R. Evid. 801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  No Authentication (Fed. R. Evid. 801(c); United States v. Lopez, 913 F.3d 807, 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2010); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021). Supporting Aff			
5. On August 27, 2020, while the arbitration proceedings were ongoing, Korea's Fair Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Mr. Bradshaw's statements regarding the content in the news article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news report. Fed. R. Evid. 801(c); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807,	Objection 1:	`	
while the arbitration proceedings were ongoing, Korea's Fair Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  statements regarding the content in the news article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Hearsay (Fed. R. Evid. 801(c); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2009).  Hearsay (Fed. R. Evid. 801, 801 (c); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2019); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2010); <i>Rueda Vidal v. U.S. Dep't of Homeland Sec.</i> , 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. \$\frac{1}{9}\$ (personal knowledge); Bradshaw Decl. \$\frac{1}{9}\$ (authenticating exhibit); see also Bradshaw Supp. Decl. \$\frac{1}{3}\$.	5 0 4 4 + 27 2020		
content in the news article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Exhibit 3 is not hearsay to the extent it is being offered to show Asiana's notice of the contents of the news article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Hearsay (Fed. R. Evid.  801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements of the neutration the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled Kumho Asiana Fined 32 Bln Won for Unfairty Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  No Authentication (Fed. R. Evid.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not hearsay to the extent it is being offered to show Asiana's notice of the contents of the news article the extent it is being offered to show Asiana's notice of the contents of the news article.  Fed. R. Evid. 801(c); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2009).  Exhibit 3 is not hearsay to the extent it is being offered to show Asiana's notice of the contents of the news article.  Fed. R. Evid. 801(c); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2009).  Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); Von Saher v.  Norton Simon Museum of Art at Pasadena, 592 F. 3d 954, 960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Decla ¶1 (personal knowledge); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.			1003 (copies admissible).
article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  article attached as Exhibit 3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  Bearsay (Fed. R. Evid.  801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  Wo Authentication (Fed. R. Evid. 201(b)(2); Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F. App'x at Pasadena,			
Trade Commission imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  3 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  5 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  5 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news article.  6 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the news report.  6 d. R. Evid. 801(c); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Lopez</i> , 91	1 2		<u> </u>
imposed a KRW 32 billion (USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Because there is no foundation for admitting his testimony to prove the contents of the news report. Fed. R. Evid. 801(c); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2009).  Hearsay (Fed. R. Evid. 801(c); <i>United States v. Lopez</i> , 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2009).  Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2010); <i>Rueda Vidal v. U.S. Dep't of Homeland Sec.</i> , 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); <i>see also</i> Bradshaw Supp. Decl. ¶3.	•		l <u> </u>
(USD \$27 million) fine on Kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  foundation for admitting his testimony to prove the contents of the news article.  Fed. R. Evid. 801(c); United States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); United States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2009).  Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.			
kumho Asiana and referred its former chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article ittled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  his testimony to prove the contents of the news article.  his testimony to prove the contents of the news article.  States v. Lopez, 913 F.3d 807, 826 (9th Cir. 2019); <i>United States v. Isaacs</i> , 359 F. App'x 875, 877 (9th Cir. 2009).  Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2010).  No Authentication (Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2019).  No Authentication (Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2019).  No Authentication (Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2019).  No Authentication (Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2019).  No Authentication (Fed. R. Evid. 201(b)(2); <i>Von Saher v. Norton Simon Museum of Art at Pasadena</i> , 592 F.3d 954, 960 (9th Cir. 2010); <i>Rueda Vidal v. U.S. Dep't of the matters stated.</i> No Authenticated by or attached to the declaration.  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	_		_
contents of the news article.  Rearray (Fed. R. Evid. article.  Hearsay (Fed. R. Evid. 801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements of the matters stated.  The Commission's order was publicly reported, including in a news article titled Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Contents of the news article.  States v. Isaacs, 359 F. App'x 875, 877 (9th Cir. 2009).  Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); Von Saher v.  Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of  Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.		_	` ′
chairman for criminal investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is not authenticated by any evidence cited by any evi		• •	_
investigation for, among other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ### Sol, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  ### Sol, 877 (9th Cir. 2009).  ### Exhibit 3 is subject to judicial notice. Fed. R. Evid. 201(b)(2); *Von Saher v.*  **Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010); *Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  ### The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); *Bradshaw Decl. ¶1* (personal knowledge); Bradshaw Decl. ¶5* (authenticating exhibit); *see also* Bradshaw Supp. Decl. ¶3.			·
other things, providing unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Hearsay (Fed. R. Evid. 801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.		article.	
unfair financial support to an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  801, 802). The news article attached as Exhibit 3 contains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  No Authentication (Fed. R. Evid. 901); <i>Rueda Vidal v. U.S. Dep't of Homeland Sec.</i> , 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	_		875, 877 (9th Cir. 2009).
an affiliate by agreeing to the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  The Commission's order was publicly reported, of the matters stated.  No Authentication (Fed. R. Evid. 960 (9th Cir. 2010); <i>Rueda Vidal v. U.S. Dep't of Homeland Sec.</i> , 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3 (personal knowledge); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Supp. Decl. ¶3.		• `	
the Catering Agreement on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana</i> Fined 32 Bln Won for Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  Sountains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  Sountains inadmissible, out-of-court statements offered to prove the truth of the matters stated.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	unfair financial support to	<b>801, 802).</b> The news	
on the condition that the counterparty would invest funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	an affiliate by agreeing to	article attached as Exhibit	notice. Fed. R. Evid.
offered to prove the truth of the matters stated.  The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana Fined 32 Bln Won for Unfairly Supporting Affiliate</i> , Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.		3 contains inadmissible,	201(b)(2); <i>Von Saher v.</i>
funds in the other affiliate. The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana</i> Fined 32 Bln Won for  Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  of the matters stated.  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  960 (9th Cir. 2010); Rueda Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	on the condition that the	out-of-court statements	Norton Simon Museum of Art
The Commission's order was publicly reported, including in a news article titled <i>Kumho Asiana</i> Fined 32 Bln Won for  Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  No Authentication (Fed. R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  Vidal v. U.S. Dep't of Homeland Sec., 536 F. Supp. 3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid.  901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit);  see also Bradshaw Supp.  Decl. ¶3.	counterparty would invest	offered to prove the truth	at Pasadena, 592 F.3d 954,
was publicly reported, including in a news article titled <i>Kumho Asiana</i> Fined 32 Bln Won for  Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in	funds in the other affiliate.	of the matters stated.	960 (9th Cir. 2010); Rueda
including in a news article titled <i>Kumho Asiana</i> Fined 32 Bln Won for  Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  R. Evid. 901). Exhibit 3 is not authenticated by any evidence cited by or attached to the declaration.  3d 604, 613 (C.D. Cal. 2021).  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	The Commission's order		Vidal v. U.S. Dep't of
titled <i>Kumho Asiana</i> Fined 32 Bln Won for Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  is not authenticated by any evidence cited by or attached to the declaration.  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid.  901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	was publicly reported,	No Authentication (Fed.	Homeland Sec., 536 F. Supp.
Fined 32 Bln Won for Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  any evidence cited by or attached to the declaration.  The Bradshaw Declaration sufficiently authenticates Exhibit 3. Fed. R. Evid.  901(b)(1); Bradshaw Decl. ¶1 (personal knowledge);  Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp.  Decl. ¶3.	including in a news article	<b>R. Evid. 901).</b> Exhibit 3	3d 604, 613 (C.D. Cal. 2021).
Unfairly Supporting Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.attached to the declaration.sufficiently authenticates Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp.¶ 5, lns. 9-17, Exh. 3 (inDecl. ¶3.	titled Kumho Asiana	is not authenticated by	
Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  declaration.  Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	Fined 32 Bln Won for	any evidence cited by or	The Bradshaw Declaration
Affiliate, Yonhap News Agency, Aug. 27, 2020. Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  declaration.  Exhibit 3. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (personal knowledge); Bradshaw Decl. ¶5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶3.	Unfairly Supporting	attached to the	sufficiently authenticates
Attached hereto as Exhibit 3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  (personal knowledge); Bradshaw Decl. ¶ 5 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶ 3.	Affiliate, Yonhap News	declaration.	
3 is a true and correct copy of that article.  ¶ 5, lns. 9-17, Exh. 3 (in  Bradshaw Decl. ¶ 5 (authenticating exhibit); see also Bradshaw Supp.  Decl. ¶ 3.	Agency, Aug. 27, 2020.		901(b)(1); Bradshaw Decl. ¶1
copy of that article.  (authenticating exhibit);  see also Bradshaw Supp.  Decl. ¶3.	Attached hereto as Exhibit		(personal knowledge);
copy of that article.  (authenticating exhibit);  see also Bradshaw Supp.  Decl. ¶3.	3 is a true and correct		G /-
see also Bradshaw Supp.  ¶ 5, lns. 9-17, Exh. 3 (in  Decl. ¶3.	copy of that article.		"
¶ 5, lns. 9-17, Exh. 3 (in Decl. ¶3.			, · · · · · · · · · · · · · · · · · · ·
	¶ 5, lns. 9-17, Exh. 3 (in		1
			"
· · · · · · · · · · · · · · · · · · ·			

## Objection 2:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

6. On June 11, 2021, Asiana filed an originating summons in the Singapore High Court seeking to set aside the award. Asiana argued principally that there had been a breach of natural justice because the tribunal failed to consider all issues placed before it, in particular, Asiana's alleged argument that the execution of the Catering Agreement reflected an "abuse of power of representation" because an Asiana affiliate also entered into a financing agreement with a Gate Gourmet affiliate. The case was transferred to Singapore's International

Lacks foundation; lacks personal knowledge (Fed. R. Evid. 602). Mr. Bradshaw has provided no foundation for this statement or that he has personal knowledge of the set-aside proceedings. Indeed, Mr. Bradshaw concedes in paragraph 1 of his declaration that he is only "familiar" with these proceedings.

The Bradshaw Declaration establishes the declarant's personal knowledge of these matters. Fed. R. Evid. 602; Bradshaw Decl. ¶1 (familiar with set-aside proceedings as arbitration counsel); see also Bradshaw Supp. Decl. ¶2.

¶ 6, lns. 21-27

Commercial Court.

## Objection 3:

7. On May 27, 2022, Singapore's International Commercial Court entered a judgment dismissing the set-aside application. Attached hereto as Exhibit 4 is a true and correct copy of the judgment. The court held that Asiana had failed to show a breach of natural justice because, in Lacks foundation; lacks personal knowledge (Fed. R. Evid. 602). Mr. Bradshaw has provided no foundation for these statements or that he has personal knowledge of the set-aside proceedings. Indeed, Mr. Bradshaw concedes in paragraph 1 of his declaration that he is only "familiar" with these proceedings.

The Bradshaw Declaration establishes the declarant's personal knowledge of these matters. Fed. R. Evid. 602; Bradshaw Decl. ¶1 (familiar with set-aside proceedings as arbitration counsel); see also Bradshaw Supp. Decl. ¶2.

Exhibit 4 satisfies the best evidence rule. Fed. R. Evid. 1003 (copies admissible).

-3-

the arbitration, Asiana had not argued that there was in fact an "abuse of power of representation" or that the Catering Agreement was invalid on these grounds; at most, it had raised the potential of an "abuse of power of representation" as a reason to construe any ambiguity in the Catering Agreement in its favour. As the tribunal had concluded that the text of the Catering Agreement unambiguously favoured Gate Gourmet's position, it had no reason to reach Asiana's arguments concerning canons of construction. ¶ 7, lns. 1-10, Exh. 4 (in its entirety) Objection 4:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Best Evidence (Fed. R. Evid. 1002, 1003, 1004). Mr. Bradshaw's statements regarding the supposed content of the referenced judgment attached as Exhibit 4 are inadmissible because there is no foundation for admitting his testimony to prove the contents of the judgment.

The Bradshaw Declaration sufficiently authenticates Exhibit 4. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (familiar with set-aside proceedings as arbitration counsel); Bradshaw Decl. ¶7 (authenticating exhibit); see also Bradshaw Supp. Decl. ¶2; Liew Decl. ¶2.

No Authentication (Fed. R. Evid. 901). Exhibit 4 is not authenticated by any evidence cited by or attached to the declaration.

8. Asiana appealed the Singapore International Commercial Court's ruling to the Singapore Court of Appeal. On November 29, 2022, the Court of Appeal dismissed the appeal at the close of the hearing, without issuing a reasoned decision. Attached hereto as Exhibit 5 is a true and correct copy of the court's

Lacks foundation; lacks personal knowledge (Fed. R. Evid. 602). Mr. Bradshaw has provided no foundation for these statements or that he has personal knowledge of the set-aside proceedings. Indeed, Bradshaw concedes in paragraph 1 of his declaration that he is only "familiar" with these proceedings.

The Bradshaw Declaration establishes the declarant's personal knowledge of these matters. Fed. R. Evid. 602; Bradshaw Decl. ¶1 (familiar with set-aside proceedings as arbitration counsel); see also Bradshaw Supp. Decl. ¶2.

The Bradshaw Declaration sufficiently authenticates Exhibit 5. Fed. R. Evid. 901(b)(1); Bradshaw Decl. ¶1 (familiar with set-aside proceedings as arbitration

1			1) D 11 D 150
1	order.	No Authentication (Fed.	counsel); Bradshaw Decl. ¶8
2	¶ 2 lng 11 14 Evh 5 (in	R. Evid. 901). Exhibit 5	(authenticating exhibit);
3	¶ 8, lns. 11-14, Exh. 5 (in its entirety)	is not authenticated by any evidence cited by or	see also Bradshaw Supp. Decl. ¶2; Liew Decl. ¶2.
,	its chincipy	attached to the	Beel.   2, Liew Beel.   2.
4		declaration.	
5			
6	Objection 5:	Lacks foundation; lacks	The Bradshaw Declaration
		personal knowledge	establishes the declarant's
7	9. In May 2021, Gate	(Fed. R. Evid. 602). Mr.	personal knowledge of these
8	Gourmet filed proceedings	Bradshaw has provided	matters. Fed. R. Evid. 602;
	in Korea seeking to	no foundation for these	Bradshaw Decl. ¶1 (familiar
9	enforce its award. The	statements or that he has	with set-aside proceedings as
10	Korean court deferred further hearings in that	personal knowledge of the referenced	arbitration counsel); see also Bradshaw Supp. Decl. ¶2.
11	case pending the outcome	proceedings. Indeed, Mr.	Bradshaw Supp. Deci. ¶2.
	in Singapore, in effect	Bradshaw concedes in	
12	staying the enforcement	paragraph 1 of his	
13	proceedings while the set-	declaration that he is only	
14	aside proceedings in	"familiar" with these	
14	Singapore went forward.	proceedings.	
15	Asiana has resisted the		
16	enforcement proceedings		
	in Korea and has filed at		
17	least two other lawsuits in		
18	Korea that, in Gate		
19	Gourmet's view, appear		
	designed to frustrate Gate Gourmet's enforcement		
20	efforts and/or to undo the		
21	outcome of the arbitration		
22	through an award of		
22	monetary damages. To		
23	date, the Korean court has		
24	not rendered a decision on		
	Gate Gourmet's		
25	enforcement proceedings		
26	in that country.		
27	¶ 0 lns 15 22		
	¶ 9, lns. 15-23		
28			